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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,345	06/03/2002	Yoshimasa Morimoto	ACO 307	2919
23581	7590	09/09/2004	EXAMINER	
KOLISCH HARTWELL, P.C. 520 S.W. YAMHILL STREET SUITE 200 PORTLAND, OR 97204			GUADALUPE, YARITZA	
			ART UNIT	PAPER NUMBER
			2859	

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,345

Applicant(s)

MORIMOTO, YOSHIMASA

Examiner

Yaritza Guadalupe McCall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In response to Amendment filed May 25, 2004

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 6 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Cooper (US 2,259,619) in view of Schön (US 4,527,341).

Cooper discloses a miter square device comprising a pair of first rulers (20, 22) each having linear edges on both sides in the width direction throughout the entire length parallel to each other and being pivotally supported (18 at the solid line shown in Figure 1) at one end so as to be freely pivotable relative to each other, wherein the pivotally supported ends of the first rulers are cylindrically rounded so as to have the respective pivotal axis as a center thereof, a pair of second rulers (28, 30) each having linear edges on both sides in the width direction throughout the entire length parallel to each other and being pivotally supported (18 at the dash lines shown in Figure 1) at one end so as to be freely pivotable relative to each other, and being

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pivotally coupled (32, 18) to the first rulers respectively, so that a parallelogram having four sides of equal length is defined by connecting four pivotal axes with straight lines (See Figure 1), wherein the pivotally supported ends of the second rulers are cylindrically rounded (See Figure 1) so as to have the respective pivotal axis as a center.

Cooper further discloses a reference ruler (10) having linear edges on both sides in the width direction throughout the entire length parallel to each other, also supporting the pivotal axes between the pair of first rulers and between the pair of second rulers such that said two pivotal axes are respectively coupled to positions along the reference ruler, and permitting both of said two pivotal axes to freely move in a direction along a diagonal line of the parallelogram (See Figure 1) up to the respective end of the reference ruler such that it does not protrudes from at least one of the rounded ends of the first rulers or at least one of the rounded ends of the second rulers, wherein one end (14) of the reference ruler is cylindrically rounded so as to match up the respective rounded ends of the first and second rulers when each ends of the first and second rulers are moved along with corresponding pivotal axis.

Cooper also teaches a miter square device wherein one or more angles among the ones formed by the pair of first rulers, the pair of second rulers and by the reference ruler are specified as angles to be obtained. Cooper further discloses a locking portion (32) for permitting and restraining the movement of said pivotal axis in the direction of the diagonal line and/or the pivot

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of at least one of the pair of first rulers and second rulers. Cooper also discloses said locking portion comprising an external thread portion (32, 34) formed on said two pivotal axes respectively and internal thread portions into which the external thread portions are screwed respectively. Cooper discloses each of the pivotally supported portions of the adjacent rulers being overlapped with each other.

Cooper discloses the reference ruler supporting said pivotal axis so as to be freely slidable in the direction of the diagonal line and comprising a slide groove (16) having a width which is uniform throughout its entire length, and wherein said pivotal axis has such a shape that it can be slide in the groove without rattling. Cooper teaches a reference ruler (10) provided with scale indicia used for indicating said angles to be obtained according to the position of said pivotal axis, said pivotal axis provided with a mark used for pointing out a scale division corresponding to the position of the pivotal axis. Cooper discloses the first rulers (20, 22), the second rulers (28, 30) and the reference ruler (10) each have a uniform width and thickness (as shown in the figures) in a direction along the linear portion. Cooper further discloses the pair of first rulers extending beyond their coupling point at which the pair of first rulers / second rulers are coupled to each other (See Figure 1). Cooper discloses a device wherein the angle formed by the pair of first rulers when the pivotal axis between the pair of first rulers is located at the respective end of the reference ruler and the angle formed by one of the extended part of the first rulers and the adjacent second ruler when the pivotal axis for the pair of second rulers is located at the respective end of the reference ruler, are specified as an internal corner angle and an external corner angle to be obtained.

Cooper does not teach said reference ruler having both ends cylindrically rounded as stated in claim 1. Cooper does not disclose the angular indicia as stated in claim 4.

With respect to claims 1 and 4 : Schön discloses a square tool comprising a pair of first rulers (2, 3), a pair of second rulers (1, 4), and a reference ruler (11) having a recess (12) and provided with a scale indicia indicating said angles to be obtained according to the position of said pivotal axis, and supporting the pivotal axes between the pairs of first and second rulers such that said two pivotal axes are respectively coupled to positions along the reference ruler and permitting at least either one of said two pivotal axes to freely move in a direction along a diagonal line of the parallelogram up to the respective end on the reference ruler so that the respective end of the reference ruler is not protruded from at least one of the rounded ends of the first rulers or at least one of the rounded ends of the second rulers, wherein both ends of the reference ruler are cylindrically rounded so as to match up to the respective rounded ends of the first and second rulers when each ends of the first or second rulers are moved along with the corresponding pivotal axis. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to replace the reference ruler disclosed by Cooper with a reference ruler having both rounded ends and angular indicia as taught by Schön in order to increase the versatility of the tool by providing an adjustable angular range of measurements along the rulers that allows simultaneous angular adjustment of the rulers in multiple axes while the ends of the rulers align with each other and do not extend over the edges while in use regardless of the angle of the arms.

3. Claims 1 and 7 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US 2,866,270) in view of Cooper (US 2,259,619).

Johnson et al. discloses a device comprising a pair of first rulers (10, 11) each having linear edges on both sides in the width direction throughout the entire length parallel to each other and being pivotally supported (12, 23, 25) at one end so as to be freely pivotable relative to each other, wherein the pivotally supported ends of the first rulers are cylindrically rounded (See Figure 1) so as to have the respective pivotal axis as a center thereof, a pair of second rulers (16, 17) each having linear edges on both sides in the width direction throughout the entire length parallel to each other and being pivotally supported (23, 24, 25) at one end so as to be freely pivotable relative to each other, and being pivotally coupled (23, 25) to the first rulers respectively, so that a parallelogram having four sides of equal length is defined by connecting four pivotal axes with straight lines (See Figure 1), wherein the pivotally supported ends of the second rulers are cylindrically rounded (See Figure 1) so as to have the respective pivotal axis as a center. Johnson et al. further discloses a reference ruler (14) having linear edges on both sides in the width direction throughout the entire length parallel to each other, also supporting the pivotal axes between the pair of first rulers and between the pair of second rulers such that said two pivotal axes are respectively coupled to positions along the reference ruler wherein both ends of the reference ruler are cylindrically rounded so as to match up the respective rounded ends of the first and second rulers when each ends of the first and second rulers are moved along with corresponding pivotal axis.

Johnson et al. also discloses a device wherein one or more angles among the ones formed by the pair of first rulers, the pair of second rulers and by the reference ruler are specified as angles to be obtained. Johnson et al. further discloses a locking portion (13, 24, 26) for permitting and restraining the movement of said pivotal axis in the direction of the diagonal line and/or the pivot of at least one of the pair of first rulers and second rulers. Johnson et al. also discloses said locking portion comprising an external thread portion (13,24,26) formed on said two pivotal axes respectively and internal thread portions into which the external thread portions are screwed respectively. Johnson et al. discloses each of the pivotally supported portions of the adjacent rulers being overlapped with each other. Johnson et al. discloses the pair of first rulers (10, 11) extending beyond their associated coupling point with the pair of second rulers and being twice as long than the pair of second rulers (See Figure 1).

Johnson et al. does not discloses a reference ruler supporting the pivotal axes between the pair of first rulers and between the pair of second rulers such that said two pivotal axes are respectively coupled to positions along the reference ruler and permitting both of said two pivotal axes to freely move in a direction along a diagonal line of the parallelogram as stated in claim 1.

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Regarding claim 1 : Cooper discloses a miter square device comprising a pair of first rulers (20, 22) being pivotally supported at one end so as to be freely pivotable relative to each other, a pair of second rulers (28, 30) being pivotally supported at one end so as to be freely pivotable relative to each other, and being pivotally coupled (32, 18) to the first rulers respectively, so that a parallelogram having four sides of equal length is defined by connecting four pivotal axes with straight lines (See Figure 1), also having a reference ruler (10) supporting the pivotal axes between the pair of first rulers and between the pair of second rulers such that said two pivotal axes are respectively coupled to positions along the reference ruler, and permitting both of said two pivotal axes to freely move in a direction along a diagonal line of the parallelogram (See Figure 1) up to the respective end of the reference ruler such that it does not protrudes from at least one of the rounded ends of the first rulers or at least one of the rounded ends of the second rulers, said reference ruler having a recess / groove (16) having a width which is uniform throughout its entire length such that said pair of first and second rulers can slide and adjusted along the entire length of the reference ruler, and wherein the angle formed by the pair of first or second rulers when the pivotal axis between the pair of first or second rulers is located at the respective end of the reference ruler and the angle formed by one of the extended part of the first or second rulers and the adjacent first or second ruler when the pivotal axis for the pair of first or second rulers is located at the respective end of the reference ruler, are specified as an internal corner angle and an external corner angle to be obtained.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to replace the reference ruler disclosed by Johnson et al. with a reference ruler as taught by Cooper in order to increase the versatility of the device by allowing full displacement and adjustment of either / or the first and second pair of rulers along the length of the reference ruler that will allow for multiple simultaneous measurements with a single tool.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US 2,866,270) in view of Cooper (US 2,259,619) as applied to claims 1 and 7 – 10 above, and further in view of Syken (US 5,020,233).

Syken discloses a pair of rulers (12, 18) having a cylindrically rounded end that is pivotally supported and overlapping with each other, and wherein each of said overlapped portions are respectively halved in thickness so that at least the rear surfaces of the rulers are essentially coplanar and therefore in either position it will lie flush to the surface. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the end portions of the rulers disclosed by Johnson et al. and Cooper with half thickness end portion as taught by Syken in order to provide a device that will lie flush with the surface and therefore increasing the stability when used over a planar surface.

Response to Arguments

5. Applicant's arguments, see pages 1 - 3, filed May 25, 2004, with respect to the rejection(s) of claim(s) 1 - 11 under USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Cooper, Johnson et al. and Schön.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yaritza Guadalupe McCall whose telephone number is (571)272-2244. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yaritza Guadalupe
Patent Examiner
Art Unit 2859
September 2, 2004

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